

Supplement to the agenda for

Planning and regulatory committee

Wednesday 9 June 2021

10.00 am

**Three Counties Hotel, Belmont Road, Belmont, Hereford, HR2
7BP**

Schedule of Updates

Public Speakers

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PLANNING COMMITTEE

Date: 9 June 2021

Schedule of Committee Updates/Additional Representations

Note: The following schedule represents a summary of the additional representations received following the publication of the agenda and received up to midday on the day before the Committee meeting where they raise new and relevant material planning considerations.

SCHEDULE OF COMMITTEE UPDATES

201747 - APPLICATION FOR VARIATION OF CONDITIONS 1 OF PLANNING PERMISSION OF THE RESERVED MATTERS APPROVAL 170579 (APPLICATION FOR APPROVAL OF RESERVED MATTERS FOLLOWING OUTLINE APPROVAL (APP/W1850/A/13/2203561) (LA REF: 123592) FOR 10 DWELLINGS). TO IMPROVE THE DESIGN OF THE DWELLINGS, IMPROVE CONNECTIVITY TO THE AMENITY SPACES AND PROVIDE AT LAND OFF BREINTON LEE, KINGS ACRE ROAD, HEREFORD,

For: Mr Stewart per Mr Stephen Vaughan, The Heathers, 74 Ross Road, Hereford, Herefordshire, HR2 7RL

ADDITIONAL REPRESENTATIONS

None received.

OFFICER COMMENTS

Following queries raised at the committee site visit I would make the following points:

1. Flood Risk – Consideration by the inspector in Appeal Decision .

The matter of flood risk due to the existing localised flooding issues were carefully considered at the Outline Planning Permission stage by the inspector and through the discharge of the condition over a prolonged period whilst the use of soakaways were explored and agreed (as per the committee report at para 6.18 – 6.20)

For ease, the relevant section of the appeal decision is inserted below:

Whether the site is at risk of flooding, and if so whether the proposed drainage strategy and any proposed mitigation measures would address the risk of flooding

15. The appeal site comprises about 0.84ha of land which is indicated on the Environment Agency flood mapping as being located within Flood Zone 1 and therefore at the lowest probability of fluvial flooding (<0.1%). This has not been disputed by the Council. The application form at Box 12 has the answer 'no' to the question "Is the site within an area at risk of flooding"; and the answer 'no' to the question "Will the proposal increase the risk of flood elsewhere". Furthermore, there is no evidence to suggest that the site has been notified to the local planning authority by the Environment Agency as having critical drainage problems. As such, no flood risk assessment was required.
16. However, from the photographic evidence, and from the representations of local residents put in during the application and appeal process, there have at times been significant problems in the area surrounding the appeal site from flooding during the last 10 years or so. Notably, adjoining properties in Breinton Lee, and the footways and land adjacent to Kings Acre Road (to the north of the appeal site) have all previously been flooded. Furthermore, I made a comprehensive visit of the site and its surroundings and I was able to see evidence by way of algal growth and pattern staining of where previous flooding had occurred. I therefore understand the concerns of local residents.
17. The Appellant has done extensive work to try to establish the source of these problems and points to existing drainage problems with ditches, culverts, and gullies being silted up, or inadequate in size; and the application was amended in terms of the drainage proposals.
18. The Appellant commissioned 2 detailed Drainage Reports (18 March 2013; 4 & 5 April 2013) that assessed the current situation which was submitted along with an updated Foul and Surface Water Drainage Strategy, November 2012 (Rev A - April 2013) that looked at, not just the proposals for the site, but the existing problems experienced by residents of Breinton Lee and Kings Acre Road. I am therefore satisfied that the Appellant has thoroughly considered the proposed drainage of the appeal site and its likely impact on the existing drainage systems having regard to the technical reports and recommendations provided that relate both to the existing problems in the locality and site constraints.
19. The Appellant established that the primary cause of the flooding to the south of Kings Acre Road has been the ineffective highway drainage, with road gullies being significantly blocked with debris. As a consequence, when levels of rainfall are exceptionally high, water runs off the highway, bypassing the gullies and into the driveways and gardens of adjoining residential properties, which are at a lower level. This has been exacerbated by the fact that the receiving drainage system has also been found to be totally blocked with its outfall barely visible.
20. Following survey work, the Appellant jetted out the culvert between Breinton Lee, 343 Kings Acre Road and the highway surface water drainage system in Kings Acre Road, in order to help to address the then current issue. I should note that at the time of my site visit, despite ongoing and persistent heavy rainfall in what has become one of the wettest winters on record, there was no

evidence of flooding on the appeal site or the surrounding properties. This may perhaps reflect the efficacy of cleaning out the culvert and gullies.

21. A revised surface water drainage scheme was put forward during the course of the application process. This revised scheme involves retaining the existing culvert (at Kings Acre Road) as well as providing additional storage to accommodate any excess Greenfield run-off from the site and the land to the south in the event of severe/exceptional rainfall events. This will be achieved through the provision of 2 balancing ponds, which are detailed on the amended plans; and the existing drainage ditches running along the western and southern boundaries of the site would be re-profiled and extended to provide greater protection from overland flooding to the existing Breinton Lee properties and the proposed development.
22. Balancing Pond A would be located to the north western corner of the site with a restricted discharge to the western ditch, while the smaller Balancing Pond B would be located in the open space to the north of Plot 10 with a restricted discharge to the southern ditch, as indicated on the Concept Layout Plan. Thus these 2 proposed restricted surface water discharges of 5 l/s would be attenuated on site within the 2 balancing ponds up to the 1 in 100 year climate change event. Discharge rates would be restricted by the use of 'hydrobrake' vortex flow control devices. Such a drainage system should ensure that any existing flooding problems are not worsened.
23. I am mindful of the fact that the pipework within Kings Acre Road is the responsibility of the Highway Authority; and that the existing downstream, outfall arrangement to the ditch between Nos. 304 and 306a Kings Acre Road would remain regardless of whether the proposed development proceeds. Nevertheless, in my assessment, the above measures demonstrate that the development of the site would not add to the existing flooding issues in the area. The proposed improvements would have a significant benefit to existing residents, with surface water run off from the land to the south being collected in new ditches and retained within the balancing pond before being discharged at a Greenfield run-off rate to the existing system. This would benefit the dwellings on Breinton Lee that currently do not have the benefit of the ditch to the south of their properties and as such, are on occasion flooded by surface water running from the land to the south. The proposal has been amended to ensure that this water can be attenuated within the site and released slowly, which would represent a significant betterment to the current situation where there is no attenuation and where the water collected in the ditch discharges to the culvert and subsequently out onto Kings Acre Road. The proposed development, through the s106 UU would also ensure the long term maintenance of the proposed ditches and site drainage system.
24. For these reasons I am satisfied that the proposals would comply with the requirements of Policy DR4 and DR7 of the UDP and would also offer a significant wider benefit to the local area whilst also ensuring that the proposed dwellings on the new development would be protected from flooding.

2. Rainwater harvesting and Solar PV panels

You can read more about the background and exploration of sustainable measures in the accompanying report:

<https://myaccount.herefordshire.gov.uk/documents?id=788102cd-1a9e-11eb-97a0-0050569f00ae>

In relation to rainwater harvesting, the applicant is agreeable to a further condition for their inclusion in the proposed scheme (see below).

3. Landscape Specification

Cllr Matthews has requested that mature landscaping is used to the southern boundary. The applicant is agreeable to the inclusion of an additional condition to the end (see below)

CHANGE TO RECOMMENDATION

Additional conditions are proposed as follows:

Prior to the first occupation of each dwelling, rain water harvesting scheme shall be submitted to and approved by the local planning authority. Works shall be carried out in accordance with the approved scheme before the occupation of the dwelling to which is relates.

To address the requirements of policies in relation to climate change and water management (SS7, SD1 and SD3 of the Core Strategy and the guidance contained within the National Planning Policy Framework.

Prior to first occupation of the development, a full specification of all proposed tree planting shall be submitted to and approved in writing by the local planning authority. The specification shall include the quantity, size, species and position or density of all trees / Hedges to be planted. All tree planting shall be carried out in the first planting season following the first occupation of the development in accordance with the approved plant specification. Any trees or plants which die, are removed or become severely damaged or diseased within 10 years of planting will be replaced in accordance with the approved plans.

Reason: To safeguard the character and amenity of the area and to ensure that that the development conforms with Policies SD1, LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

INFORMATIVES

It is brought to the applicants attention that the conditions imposed on the Outline Planning Permission, granted on appeal under reference: APP/W1850/A/13/2203561 (LA Ref: 123592) and any subsequent approval of these conditions, should be strictly adhered to.

PLANNING and REGULATORY COMMITTEE

9 June 2021

PUBLIC SPEAKERS

APPLICATIONS RECEIVED

Ref No.	Applicant	Proposal and Site	Application No.	Page No.
6	Mr Strefford Per Mr Russell Pryce	Proposed detached dwelling at Land at Wye valley View, Symonds Yat, Ross-on-Wye, HR9 6BJ	202050	17
	PARISH COUNCIL	MR R SMITH (Whitchurch and Ganarew PC)		
	OBJECTOR	MS R MILLER (Local resident)		
	SUPPORTER	MR R PRYCE (Applicant's agent)		
7	Mr Stewart Per Mr Steven Vaughan	Application for variation of conditions 1 of planning permission of the reserved matters approval 170579 (Application for approval of reserved matters following outline approval (APP/W1850/A/13/2203561) (LA Ref: 123592) for 10 dwellings). To improve the design of the dwellings, improve connectivity to the amenity spaces and provide flexible, modern open plan layouts. at Land off Breinton Lee, Kings Acre Road, Hereford	201747	43
	PARISH COUNCIL	DR T GEESON (Breinton PC)		
	SUPPORTER	MR E THOMAS (Applicant's agent)		

8	Mr Parry Per Mr Thomas Parry	Change of use of building to commercial storage and motorcycle tyre fitting unit together with associated operational development to include extension to eastern elevation to accommodate toilet and air compressor (AMENDED DESCRIPTION). at Robins Nest at the Yard, Woofferton Grange, Wyson Lane, Brimfield, Herefordshire, SY8 4NP	203268	65
OBJECTOR MR G BURTON (Local resident)				

9	Mr & Mrs Lewis Per Mr Ben Payne	Proposed rear extension, front porch and detached garage. at Westerings, Kington, Herefordshire, HR5 3HE	211495
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